

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:23-cv-00020-MR-WCM

CLARA M. MANN, )  
 )  
 Plaintiff, ) ORDER  
 )  
 v. )  
 )  
 TRAILS CAROLINA, LLC, )  
 )  
 Defendant. )  
 )

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This matter is before the Court following the filing of a Supplemental Statement Regarding Amended Disclosure by Party or Intervenor in a Diversity Case (the “Supplemental Statement,” Doc. 21) by Defendant Trails Carolina, LLC (“Defendant”).

On January 27, 2023, Defendant filed a Disclosure by Party or Intervenor in a Diversity Case form. Doc. 9.

During an initial pretrial conference on June 20, 2023, Defendant was instructed to file an amended citizenship disclosure form by July 5, 2023.

Defendant complied. Doc. 18. In that filing, Defendant also requested that it be given the opportunity to be heard, “[s]hould the Court need additional supplementation of citizen disclosure....” Doc. 18 at 4.

As the amended disclosure did not sufficiently trace the citizenship of all persons and entities in Defendant’s ownership structure, the undersigned, in

recognition of Defendant's request to be heard, directed that a hearing be scheduled. See Doc. 20. That hearing was noticed for July 28, 2023.

On July 24, Defendant filed the Supplemental Statement, in which it states that it has "concerns about disclosure of the members at various levels for multiple reasons," requests the opportunity to submit a second amended disclosure form and proposes that the Court conduct an *in camera* review of that information and then "assess whether any further filing is necessary," and advises that, if the Court is still inclined to have a hearing, counsel for both Plaintiff and Defendant have pre-existing conflicts with the current July 28 setting.

From a procedural standpoint, the Supplemental Statement is deficient. If the Supplemental Statement is meant to be a request that the July 28 hearing be canceled or rescheduled, it has not been filed as a motion. See L.Cv.R. 7.1. Similarly, if it is meant to be a request that the Court conduct an *in camera* review of certain information, the request has not been filed as a motion and no supporting memorandum or authorities have been provided. L.Cv.R. 7.1(c). Also, no information about Plaintiff's position regarding such a review is included. Notwithstanding these procedural shortcomings, however, the Court will, in its discretion, consider Defendant's requests.

The Disclosure by Party or Intervenor in a Diversity Case form clearly states that the citizenship of an LLC is determined by the citizenship of all of

its members and must be traced through until only individuals or corporations are reached. See Doc. 9 at n. 1.

Defendant has also been reminded of this issue directly by the Court. June 20, 2023 Minute Entry; Doc. 20.

Nonetheless, Defendant has not made the necessary disclosures and has not sufficiently explained why it should not be required to do so.

**IT IS THEREFORE ORDERED THAT:**

1. To the extent Defendant's Supplemental Statement Regarding Amended Disclosure by Party or Intervenor in a Diversity Case (Doc. 21) requests that a hearing on the issue of the disclosure of the citizenship of Defendant's members be canceled, the request is **DENIED**.
2. To the extent Defendant's Supplemental Statement requests that the hearing be continued from its current setting of July 28, 2023, the request is **GRANTED** and the Clerk is respectfully directed to reschedule the hearing.
3. To the extent Defendant's Supplemental Statement requests that the Court consider information concerning the citizenship of Defendant's members on an *in camera* basis, the request is **DENIED WITHOUT PREJUDICE**. Defendant may renew such a request by motion which will be considered during the

upcoming hearing, provided that any such motion complies with the Local Civil Rules, is appropriately and fully supported, and is filed sufficiently in advance of the hearing to allow both Plaintiff and the Court a reasonable time to review the request.

Signed: July 26, 2023



W. Carleton Metcalf  
United States Magistrate Judge

